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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 10/722,267   | 11/25/2003  | Paul Joseph O'Dea           | 137991 (553-1063US) | 8624             |
| 45436 7590 09/16/2009<br>DEAN D. SMALL<br>THE SMALL PATENT LAW GROUP LLP<br>225 S. MERAMEC, STE. 725T<br>ST. LOUIS, MO 63105 |             |                             |                     |                  |
| EXAMINER<br>COBANOGILU, DILEK B  |             |                             |                     |                  |
| ART UNIT<br>3626   |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>09/16/2009  |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@splglaw.com

# Office Action Summary

**Application No.**

10/722,267

**Applicant(s)**

O'DEA ET AL.

**Examiner**

DILEK B. COBANOGU

**Art Unit**

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

**Notice to Applicant**

1. This communication is in response to the request for reconsideration filed on 07/31/2009.

***Response to Arguments***

2. Applicant indicated a statement concerning common ownership to disqualify U.S. Patent 6,689,055 (Mullen et al.) under 35 U.S.C. § 103(c) as prior art. Applicant's arguments and the statement have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McMorrow et al. (U.S. Patent No. 6,569,097 B1).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-23 are rejected under 35 U.S.C. 102(a) as being unpatentable by McMorrow et al. (hereinafter McMorrow) (U.S. Patent No. 6,569,097 B1).

A. As per claim 1, McMorrow teaches a method for managing ultrasound examination information, the method comprising:

- i. determining a completion of at least one ultrasound scan performed during an ultrasound examination (McMorrow; col. 3, lines 1-45, col. 5, line 51 to col. 6, line 3, col. 7, lines 27-40); and
  - ii. providing electronic notification of completion of the at least one ultrasound scan (McMorrow; col. 3, lines 1-45, col. 5, line 51 to col. 6, line 3, col. 7, lines 27-40).
- B. As per claim 2, McMorrow teaches a method in accordance with claim 1 further comprising generating an output based upon the electronic notification (McMorrow; col. 9, lines 6-52).
- C. As per claim 3, McMorrow teaches a method in accordance with claim 2 wherein the output comprises at least one billing statement (McMorrow; col. 9, lines 6-52).
- D. As per claim 4, McMorrow teaches a method in accordance with claim 2 wherein the generating is provided automatically upon the completion of the at least one scan (McMorrow; col. 9, lines 6-52).
- E. As per claim 5, McMorrow teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans comprises an unscheduled scan (McMorrow; col. 3, lines 1-45).
- F. As per claim 6, McMorrow teaches a method in accordance with claim 1 wherein the electronic notification is provided automatically upon completion of a scan (McMorrow; col. 5, line 51 to col. 6, line 3).

G. As per claim 7, McMorrow teaches a method in accordance with claim 1 wherein the electronic notification is provided based upon a user input (McMorrow; col. 5, line 51 to col. 6, line 3).

H. As per claim 8, McMorrow teaches a method in accordance with claim 1 further comprising associating completed ultrasound scans with patient information (McMorrow; col. 7, lines 27-40).

I. As per claim 9, McMorrow teaches a method in accordance with claim 1 wherein the generating comprises using at least one predetermined criteria to configure the output (McMorrow; col. 9, lines 6-52).

J. As per claim 10, McMorrow teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans is scheduled and further comprising obtaining ultrasound examination information relating to the at least one scheduled ultrasound scan (McMorrow; col. 3, lines 1-45).

K. As per claim 11, McMorrow teaches a method in accordance with claim 10 further comprising searching a patient database for the ultrasound examination information (McMorrow; col. 3, lines 1-45).

L. As per claim 12, McMorrow teaches a method in accordance with claim 1 wherein at least one of the ultrasound scans is unscheduled and further comprising updating ultrasound examination information relating to the at least one unscheduled ultrasound scan (McMorrow; col. 3, lines 1-45).

M. As per claim 13, McMorow teaches a method in accordance with claim 1 wherein the determining comprises receiving a user input indicating the completion of at least one scan (McMorow; col. 7, lines 27-40).

N. As per claim 14, McMorow teaches a method for managing ultrasound examination information, the method comprising:

- i. searching a database for ultrasound examination information based upon a user input, the ultrasound examination information relating to one or more ultrasound scans to be performed during an ultrasound examination (McMorow; col. 3, lines 1-45); and
- ii. generating an output based upon an electronic notification that at least one of the one or more ultrasound scans is complete, the output corresponding to the ultrasound examination information and provided remote from an ultrasound system used to perform the ultrasound examination (McMorow; col. 4, lines 48-67, col. 5, line 34 to col. 6, line 31).

O. As per claim 15, McMorow teaches a method in accordance with claim 14 wherein the output comprises at least one billing statement (McMorow; col. 9, lines 6-52).

P. As per claim 16, McMorow teaches a method in accordance with claim 14 wherein a separate output is generated in connection with each electronic notification (McMorow; col. 5, line 34 to col. 6, line 31).

Q. As per claim 17, McMorow teaches a method in accordance with claim 14 further comprising configuring the output based upon predefined criteria (McMorow; col. 5, line 34 to col. 6, line 31).

R. As per claim 18, McMorow teaches a method in accordance with claim 14 wherein the electronic notification is generated based upon a user input (McMorow; col. 5, line 34 to col. 6, line 31).

S. As per claim 19, McMorow teaches a method in accordance with claim 14 wherein the electronic notification is automatically generated upon completion of an ultrasound scan (McMorow; col. 5, line 34 to col. 6, line 31, col. 7, lines 27-40).

T. As per claim 20, McMorow teaches a method in accordance with claim 14 wherein the electronic notification is dynamically generated (McMorow; col. 5, line 34 to col. 6, line 31, col. 7, lines 27-40).

U. As per claim 21, McMorow teaches a user interface for an ultrasound system comprising:

- i. a control portion for controlling operation of an ultrasound system (McMorow; col. 3, lines 1-45, col. 5, line 34 to col. 6, line 31); and
- ii. a menu portion for receiving a user input indicating the completion of at least one ultrasound scan, an electronic notification generated based upon the user input and used by a remote system for generating an output based upon ultrasound examination information (McMorow; col. 3, lines 1-45, col. 5, line 34 to col. 6, line 31).

V. As per claim 22, **McMorrow** teaches a user interface in accordance with claim 21 wherein the menu portion is configured to allow for selection of a plurality of user screens, at least one of the screens providing fields for searching the ultrasound examination information (**McMorrow**; col. 7, lines 7-20).

W. As per claim 23, **McMorrow** teaches a method in accordance with claim 1 further comprising providing electronic notification of at least one of an update and change to the at least one ultrasound scan (**McMorrow**; col. 8, lines 38-51).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over **McMorrow et al.** (hereinafter **McMorrow**) (U.S. Patent No. 6,569,097 B1) in view of Examiner's Official Notice.

A. Claim 24 recites a method in accordance with claim 1 further comprising providing electronic notification after an expiration of a predetermined time period for the at least one ultrasound scan.

**McMorrow** does not explicitly disclose providing electronic notification after an expiration of a predetermined time period for the at least one ultrasound scan, per se **McMorrow** teaches electronic notification of



completion of a scan (McMorrow; col. 3, lines 1-45, col. 5, line 34 to col. 6, line 31 and col. 7, lines 27-40).

However, the Examiner takes official notice that it was well known in the electronic medical recording arts to provide a notification when a predetermined time period expires for a certain work. The motivation would have been to alert the medical providers.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Medical billing method and system 20020148893, Ultrasound probe with integrated electronics 20040015079, Patient scheduling, tracking and status system 20040019501, System and method supporting imaging and monitoring applications 7549961 B1.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dilek B Cobanoglu/  
Examiner, Art Unit 3626  
9/10/2009